

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

TONIA BRINKER,	)	No. ED96186
	)	
Appellant,	)	Appeal from the Labor and Industrial
	)	Relations Commission
vs.	)	
	)	
N & R OF JONESBURG, INC., and	)	
DIVISION OF EMPLOYMENT SECURITY,	)	
	)	
Respondents.	)	FILED: October 25, 2011

Tonia Brinker ("Brinker") appeals a decision from the Labor and Industrial Relations Commission ("the Commission") denying Brinker unemployment benefits.

#### REVERSED AND REMANDED

Division One Holds: The judgment is reversed and remanded to the Commission for the entry of an unemployment benefits award consistent with this Court's opinion. We find that the Commission's decision finding Brinker's early departure from work was work-related misconduct under Section 288.030.1(23) is not supported by the record. The record shows that Brinker departed from work only after she asked her supervisor if she could be excused and her supervisor responded "okay." Brinker has not willfully violated the rules or standards of her employer such that her conduct in leaving work early constitutes legal misconduct.

Opinion by: Roy L. Richter, Judge  
Clifford H. Ahrens, P.J., and Gary M. Gaertner, Jr., J., concur

Attorneys for Appellant: Michael R. Hanson

Attorneys for Respondent: Michael Eugene Cook Pritchett

<p><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b></p>
---